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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 JOSEPH ANTHONY MCDANIELS,

14 Defendant.


CASE NO. CR12-0185JLR

ORDER DENYING MOTION
FOR A TEMPORARY
RESTRAINING ORDER

15 Before the court is Defendant Joseph Anthony McDaniels's *pro se* motion for a
16 temporary restraining order ("TRO") instructing the Kent Police Department to preserve
17 certain items. (TRO Mot. (Dkt. # 137).) Pursuant to Federal Rule of Civil Procedure 65,
18 the court may only issue injunctive relief to bind the parties, the parties' officers or
19 agents, and other persons who are in "active concert or participation" with the parties.
20 Fed. R. Civ. P. 65. The Kent Police Department is not a party to this criminal matter or
21 the related habeas proceeding. (See Dkt.; *McDaniels v. United States*, No. C14-1508JLR
22 (W.D. Wash.).) Furthermore, Mr. McDaniels has not argued, let alone established, that

1 the Kent Police Department is in “active concert” with the United States. *See* Fed. R.
2 Civ. P. 65. Accordingly, the court DENIES Mr. McDaniels’s application for a TRO
3 directed toward the Kent Police Department. *See Credit Bureau Connection, Inc. v.*
4 *Pardini*, 726 F. Supp. 2d 1107, 1138 (E.D. Cal. 2010); *Consumer Opinion LLC v.*
5 *Frankfort News Corp.*, No. 16-cv-05100-BLF, 2016 WL 6804607, at *5 (N.D. Cal. Nov.
6 17, 2016) (denying a motion for a TRO against an entity that was not a party to the
7 action).

8 Dated this ^u4 day of June, 2018.


JAMES L. ROBART
United States District Judge